

Sall 16773  
x

**BLANK, ROME, COMISKY & McCAULEY**

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July 29, 1987

Russell H. Wyer, Director  
Hazardous Site Control Division  
Office of Emergency and Remedial  
Response, (WH-548E)  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460

Re: Eastern Diversified Metal Site, Hometown,  
Pennsylvania; Proposed Amendment to National  
Priority List (Update 5)

Dear Mr. Wyer:

I am writing on behalf of both Theodore Sall, Inc. ("Sall"), the current owner of the above-referenced site, and AT&T Nassau Metals Corp. ("AT&T Nassau"), which was the major source of the plastic wire insulation that was deposited on the site between 1969 and 1977. On June 30, 1987, I sent you a letter requesting that you direct Region III to refrain from taking any further action at the site until your staff completes its review of the Comments submitted by Sall on August 8, 1986 regarding the NPL proposal. Sall and AT&T Nassau are now reiterating this request, especially given that Region III is still preparing to take unnecessary and intrusive removal measures at the site, as well as to perform a Remedial Investigation/Feasibility Study (RI/FS).

As mentioned in my June 30, 1987 letter, an extensive environmental survey report of the subject property prepared by Todd Giddings & Associates, Inc., Hydrogeologists and Engineers, which included laboratory analyses of split samples taken by EPA's contractor, accompanied the Comments. The Comments provided substantial evidence for excluding this site from the NPL. EPA's decision to defer listing this site in the July 1987 NPL Update appears to confirm Sall's position that the Hazardous Ranking System score was erroneously calculated and that this site does not qualify for the NPL. Although AT&T Nassau did not submit Comments, it firmly supports Sall's position in this matter.

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BLANK, ROME, COMISKY & McCAULEY

Russell H. Wyer  
July 29, 1987  
Page 2

Sall and AT&T Nassau again request that your office provide a response to the Comments submitted by Sall. It is our position that the continued absence of a response from EPA indicates your implicit concurrence with the conclusions contained in Sall's Comments. In any event, EPA's delay in both reviewing Sall's Comments and taking final action on the proposed rulemaking imposes a serious hardship on Sall and AT&T Nassau. This hardship is compounded by Region III's insistence that an RI/FS be initiated immediately and that some "emergency measures" be constructed on the site. If we are correct and this site is not included on the NPL, the incurrence of such costs would not be necessary, and would be arbitrary and capricious; thus, their full cost should be borne by the Hazardous Substance Response Fund.

Very truly yours,

*Benjamin G. Stonelake, Jr.*  
BENJAMIN G. STONELAKE, JR.

BGS/sas

cc: Lawrence Falkin, Esquire  
(Region III)  
Harold G. Byer, Jr., Chief,  
Site Investigations and  
Support (Region III)  
Richard Beldner, Esquire  
Michael W. Steinberg, Esquire  
William Powers, Esquire  
John S. Williams, Esquire

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